

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Lubitz et al.	)	
	)	Art Unit: Not yet assigned
Application No. 09/914,864	)	
	)	Examiner: Not yet assigned
Filed: September 4, 2001	)	
	)	
For: Bacterial Ghosts as Carrier and	)	
Targeting Vehicles	)	

## STATUS INQUIRY and RESUBMISSION OF PREVIOUSLY FILED PETITION FOR REINSTATEMENT

Mail stop: PCT/US/RO  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney for the applicant identified above requests an indication of the status of processing of this application.


A postcard receipt returned to the undersigned shows the Office received a Request for Reinstatement of Application, a copy of the Notice of Abandonment, a copy of the International application, and a copy of the English translation of the International application on April 8, 2003. The undersigned has heard nothing further from the Office in this matter.

A postcard receipt returned to the undersigned shows the Office received a Status Inquiry regarding the application on July 14, 2003.

Per a phone conversation between Mr. Anthony Smith at the United States Patent and Trademark Office, and Mr. Matt Collins of Kilpatrick Stockton LLP on March 12, 2009, a physical review of the file indicated that the petition for reinstatement was not located in the U.S. Patent Office patent file. Since Applicant received the postcard receipt evidencing that

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450, via facsimile (571-273-0459) on

March 16, 2009

  
John K. McDonald, Ph.D.- Reg. No. 42,860

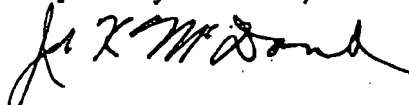
USSN 09/914,864

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the petition was indeed filed with the U.S. Patent Office, applicant hereby submits that the application be returned to pending status. Per Mr. Anthony Smith's recommendation, we are herewith re-filing the petition with proof of filing, i.e. postcard receipt, etc. by faxing it to the PCT legal department.

Please feel free to contact the undersigned if any additional information is required.

Respectfully submitted,



John K. McDonald, Ph.D.

Reg. No. 42,860

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
(404) 745-2470 (direct)  
Our Docket: 48498-263411

## PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Lubitz, et al.	)	
Serial No. 09/914,864	)	Art Unit: Unknown
Filed: 04 September 2001	)	Examiner: Unknown
For: Bacterial Ghosts as Carrier and	)	
Targeting Vehicles	)	

## REQUEST FOR REINSTATEMENT OF APPLICATION

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Commissioner of Patents & Trademarks  
ATTN: DO/EO/US  
Washington, DC 20231

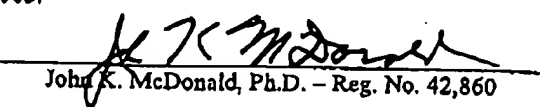
Sirs:

Responding to the Notice of Abandonment mailed March 18, 2003 in the patent application identified above, the undersigned attorney for the applicant requests the Office to reinstate that application. A copy of that Notice is enclosed.

The Notice of Abandonment states that a copy of the international application was not provided to the U.S. Receiving Office. However, Applicants respectfully submit that under Article 20 of the PCT Rules, if the US was designated in international application, the International Bureau will communicate a copy of the international application to the U.S. Receiving Office. Enclosed is a copy of form

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I hereby certify that this correspondence is being sent via First Class Mail addressed to:  
Commissioner of Patents & Trademarks, Box PCT, ATTN: DO/EO/US, Washington, DC  
20231, April 2, 2003.

  
John K. McDonald, Ph.D. - Reg. No. 42,860

Serial No. 09/914,864

Request for Reinstatement of Application

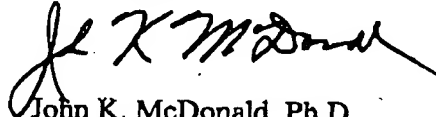
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PCT/IB/308 issued by the International Bureau on March 5, 1999 for PCT Application No. PCT/EP00/0190, confirming that a copy of the international application was communicated to the U.S. Receiving Office.

A courtesy copy of International Publication No. WO 00/53163, together with a copy of the English translation transmitted to the U.S. Patent & Trademark Office on September 4, 2001 are enclosed herewith.

Applicants submit that the foregoing shows the Notice of Abandonment was issued in error, and the applicants request the Office to rescind that holding of abandonment.

Respectfully submitted,



John K. McDonald, Ph.D.  
Reg. No. 42,860

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